

KING & SPALDING

So ordered. An unredacted document shall be filed under seal and a courtesy copy thereof submitted to Chambers. The Clerk shall terminate ECF No. 431.

/s/ Alvin K. Hellerstein, U.S.D.J.

2/14/2025

February 13, 2025

Via ECF

Hon. Alvin K. Hellerstein
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *The Avon Company f/k/a New Avon LLC, et al. v. Fareva Morton Grove, Inc., et al.*,
No. 1:22-cv-04724-AKH

Dear Judge Hellerstein:

I write as counsel to Fareva Morton Grove, Inc. and Fareva S.A. (collectively, “Fareva”) in the above-captioned action to respectfully request that this Court enter an order maintaining under seal the documents listed below, which Fareva is submitting as exhibits in support of its Motion for Partial Summary Judgment on Avon’s Claimed Liquidated Damages (“Motion”), as well as portions of Fareva’s Memorandum of Law in Support of the Motion (“MOL”) and Fareva’s Local Rule 56.1 Statement of Undisputed Material Facts (“SOF”) that describe and/or quote confidential portions of such documents. Copies of these documents, the MOL, and SOF are being filed contemporaneously under seal pursuant to the Court’s standing order, 19-mc-00583, and Your Honor’s Individual Rule 4(B). In support of this request, Fareva states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”). *See* ECF No. 65. The Protective Order permits either party to designate Discovery Material as “Confidential” or “Attorneys’ Eyes Only.” *See id.* ¶¶ 2, 12. In support of its Motion, Fareva is submitting as exhibits copies of the following documents, which Avon produced in this action with the designation of “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order (collectively, the “Avon Confidential Documents”):

1. An electronic chat message chain bearing bates numbers AVON0084822–AVON0084823, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. F).
2. A letter bearing bates numbers AVON0005387–AVON0005410, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. G).

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3. An email chain bearing the bates numbers AVON0005050–AVON0005052, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. H).
4. A presentation bearing bates numbers AVON0000833–AVON0000836, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. I).
5. A letter bearing bates numbers AVON0081215–AVON0081218, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. J).
6. An email chain bearing the bates numbers AVON0083164–AVON0083169, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. P).
7. A presentation bearing bates numbers AVON0073919–AVON0073926, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. R).
8. An email chain bearing the bates numbers AVON0088219–AVON0088220, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. S).
9. An electronic chat message chain bearing bates numbers AVON0084828–AVON0084829, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. T).
10. An email chain bearing the bates number AVON0088917, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. U).
11. An email chain bearing the bates numbers AVON0082566–AVON0082572, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. V).
12. An email chain bearing the bates numbers AVON0059763–AVON0059767, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. W).
13. An email chain bearing the bates numbers AVON0083190–AVON0083195, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. X).
14. A presentation bearing bates numbers AVON0096654–AVON0096678, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. Y).
15. An email chain bearing the bates numbers AVON0054483–AVON0054485, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AB).
16. An email chain bearing the bates numbers AVON0082632–AVON0082638, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AC).
17. A PDF copy of an excel file bearing the bates number AVON0086736, which Avon produced in this action and designated “Highly Confidential – Attorneys’ Eyes Only” (Weeks Decl. Ex. AD).

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18. A PDF copy of an excel file bearing the bates number AVON0002389, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AE).
19. A presentation bearing bates numbers AVON0073937–AVON0073956, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AF).
20. An email chain and attachments bearing the bates numbers AVON0001282–AVON0001284, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AG).
21. An email chain bearing the bates numbers AVON0092751–AVON0092752, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AJ).
22. An email chain and attachments bearing the bates numbers AVON0069997–AVON0069998, AVON0070002, and AVON0070012, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AL).
23. An email chain bearing the bates numbers AVON0086794–AVON0086797, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AO).
24. A PDF copy of an excel file bearing the bates number AVON0086798, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AP).
25. A PDF copy of an excel file bearing the bates number AVON0086799, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AR).
26. A PDF copy of an excel file bearing the bates number AVON0086800, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AS).
27. A PDF copy of an excel file bearing the bates number AVON0086801, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AT).
28. A report prepared by Anthony Campanelli, dated September 13, 2024, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AU).
29. A first amended report prepared by Anthony Campanelli, dated September 17, 2024, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AV).
30. A PDF copy of an excel file, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AW).
31. A PDF copy of an excel file, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AX).
32. A second amended report prepared by Anthony Campanelli, dated October 9, 2024, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. AY).

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33. An email chain bearing the bates numbers AVON0060209–AVON0060210, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BC).
34. An email chain bearing the bates numbers AVON0057069–AVON0057078, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BD).
35. An email chain bearing the bates numbers AVON0057040–AVON0057047, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BE).
36. An email chain bearing the bates numbers AVON0010631–AVON0010633, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BF).
37. A report prepared by Brent Bersin, dated September 27, 2024, which Avon produced in this action and designated “Confidential”) (Weeks Decl. Ex. BG).
38. A letter bearing bates numbers AVON0000578–AVON0000579, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BI).
39. A letter bearing bates number AVON0000583, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BJ).
40. A presentation bearing bates numbers AVON0078374–AVON0078385, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BN).
41. A PDF copy of an excel file bearing the bates number AVON0083501, which Avon produced in this action and designated “Highly Confidential – Attorneys’ Eyes Only” (Weeks Decl. Ex. BO).
42. A presentation bearing bates numbers AVON0013859–AVON0013886, which Avon produced in this action and designated “Confidential” (Weeks Decl. Ex. BQ).

Fareva does not contend that good cause exists to designate any of the foregoing materials as Confidential within the meaning of the Protective Order, or to maintain these documents under seal on the public docket. Fareva merely seeks to comply with its obligations under the Protective Order with respect to documents Avon has designated as Confidential and to afford Avon the opportunity to seek to maintain these documents under seal, should Avon deem it necessary and appropriate to do so. Accordingly, Fareva respectfully requests that the Court initially maintain such documents under seal, subject to the Court’s review of Avon’s position on whether these documents should be maintained under seal.

In addition to submitting the Avon Confidential Documents as exhibits in support of its Motion, Fareva also describes information derived from the Avon Confidential Documents in the MOL and SMF. Fareva has redacted portions of its MOL and SMF accordingly and, for the same reasons, also respectfully requests that the Court initially maintain under seal the redacted portions of Fareva’s MOL and SOF. As needed, Fareva is prepared to re-file the Avon Confidential Documents, MOL, SOF, or portions thereof, publicly.

As always, we thank the Court for its consideration.

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Respectfully submitted,

/s/ Randy M. Mastro

Randy M. Mastro

cc: All counsel of record (via ECF)